

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 580 Department or Agency Alabama Department of Mental Health

Rule No. 580-5-30-.11

Rule Title: Review of Contracted Services

         New          X Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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Does the proposed rule have an economic impact? NO If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Dellie J. Popwell

Date 9/18/20

Alabama Department of Mental Health

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: 580-5-30-.11 Review of Contracted Services

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Developmental Disabilities Division of the Alabama Department of Mental Health proposes to amend Chapter 580-5-30, Intellectual Disabilities Services, and repeal Chapter 580-5-33, Administrative and Support Requirements for Community Providers of Intellectual Disabilities Services. These proposed changes are intended to streamline and consolidate requirements and replace language deemed outdated and inappropriate current professional standards of practice. All requirements recommended for deletion from the Administrative Code shall be adopted in ADMH Policies and/or in DDD Operational Procedures as appropriate.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification Administration, Alabama Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130 by mail or in person or by electronic means to [Debbie.popwell@mh.alabama.gov](mailto:Debbie.popwell@mh.alabama.gov) until and including November 4, 2020. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334) 353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2020

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposed may contact Debbie Popwell, Department of Mental Health, 100 North Union Street, Suite 540, Montgomery, Alabama 36130.

(334) 353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>. Click on Provider Portal and then Certification to find code with changes.



(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

**580-5-30-.11    Research. Review of Contracted Services.** ~~The Division of Developmental Disabilities supports research that will contribute to the advancement of knowledge about the nature and causes of intellectual disabilities and intervention techniques related to intellectual disabilities. Each individual's rights and well-being will be protected during and after any such research project and will comply with all DMH Standards related to research. Research to be conducted within the DDD will require the approval of the Associate Commissioner for Developmental Disabilities.~~

1. The DDD and its Regional Community Services Offices will monitor and provide technical assistance to contracted service providers to assure that individuals receive appropriate care, supervision and treatment. This monitoring and technical assistance will be on-going but will include at least annual on-site reviews by qualified DDD staff.

2. Certification site visits are conducted to assure that the provider is practicing sound management, providing quality service to individuals, complying with the DMH-DDD contract, DMH-DDD Standards and DDD Operational Guidelines, the DMH Administrative Code for Services to individuals with intellectual disabilities, and all relevant federal regulations, as well as requirements for contracted providers specified in the DDD approved HCBS waivers.

3. Emphasis will be placed on the well-being of the individuals served, monitoring the delivery of services and supports, according to approved service definitions, as identified in the person-centered plan, and ensuring that documentation and other record keeping tools, including but not limited to progress notes, data sheets, personal files and operational procedures, substantiate an effective and systematic approach to the delivery of quality services and supports to individuals.

**Author:** Division of Developmental Disabilities ~~(DMH)~~

**Statutory Authority:** Code of Ala. 1975, §22-50-11.

**History: New Rule:** Filed February 4, 2005; effective

March 11, 2005. **Amended:** Filed January 17, 2011; effective

December 21, 2011. **Amended:** Filed August 26, 2019; effective

October 10, 2019. **Amended:** Filed September 18, 2020.